
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Bryan Schwenk, Ahmed Elhenawy

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been assigned)

-against-

Roxe Inc, Haohan Xu, Maodong Xu, Xiaoyu Li

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Wage Theft Prevention Act

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Bryan	C	Schwenk
First Name	Middle Initial	Last Name
28 Canal Street, apt 3B		
Street Address		
New York, New York	NY	10002
County, City	State	Zip Code
484-354-6196	bryan.schwenk@gmail.com	
Telephone Number	Email Address (if available)	

Additional Plaintiff:

Ahmed Elhenawy
154 Meriline Ave, apt H
Woodland Park, NJ 07424
ahmedel_henawy@yahoo.com
(201)-705-7610

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	Haohan	Xu
	Last Name	
	Chief Executive Officer , Roxe Inc	
	Current Job Title (or other identifying information)	
	2 La Colline Drive	
	Address (or other address where defendant may be served)	
	Hudson, Jersey City	Nassau, Mill Neck
		NY
		11765
	County, City	State
		Zip Code
Defendant 2:	Maodong	Xu
	Last Name	
	President , Roxe Inc	
	Current Job Title (or other identifying information)	
	2 La Colline Drive	
	Current Work Address (or other address where defendant may be served)	
	Nassau, Mill Neck	NY
		11765
	County, City	State
		Zip Code
Defendant 3:	Xiaoyu	Li
	Last Name	
	Head of Finance / Beneficial Owner of Roxe Inc	
	Current Job Title (or other identifying information)	
	30 River Court, apt 3007	
	Current Work Address (or other address where defendant may be served)	
	Hudson, Jersey City	NJ
		07310-2113
	County, City	State
		Zip Code

Defendant 4: Roxe Inc

First Name	Last Name
<u>Current Job Title (or other identifying information)</u>	
<u>1675 Broadway, 35th Floor</u>	
<u>Current Work Address (or other address where defendant may be served)</u>	
<u>New York, New York</u>	<u>NY</u>
<u>County, City</u>	<u>State</u>
	<u>Zip Code</u>

III. STATEMENT OF CLAIM

Place(s) of occurrence: 1675 Broadway, 35th floor, New York, NY 10019

Date(s) of occurrence: 10/17/2022 - 12/2/2022

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Roxe Inc, the plaintiffs' former employer, withheld salary and bonus compensation for work

performed, in violation of employment contracts. Plaintiffs inquired about compensation

and repeatedly attempted unsuccessfully to recover unpaid wages from defendants.

Company executives Haohan Xu and Maodong Xu, who at times self-funded Roxe with

personal funds, also used Roxe not for the intended purpose as a financial technology

company but as a vehicle to attract investors and attempt to execute an initial public

offering. As such, the corporate veil should not apply and these executives should be

considered liable as the corporate entity itself for breach of contract, and be held

accountable to compensate plaintiffs as promised per the employment agreements.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

N/A

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

The amount of unpaid compensation: \$47,461.54

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>1/24/2022</u>		<u>/s/ [Bryan Schwenk] /s/ [Ahmed Elhenawy]</u>	
Dated		Plaintiff's Signature	
<u>Bryan</u>	<u>C</u>	<u>Schwenk</u>	
First Name	Middle Initial	Last Name	
<u>28 Canal Street, apt 3B</u>			
Street Address			
<u>New York, New York</u>	<u>NY</u>	<u>10002</u>	
County, City	State	Zip Code	
<u>484-354-6196</u>	<u>bryan.schwenk@gmail.com</u>		
Telephone Number	Email Address (if available)		

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.